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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,378	03/09/2004	Eric D. Brill	MS306750.01/MSFTP584US	1910

27195 7590 08/21/2006

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EXAMINER
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KINDRED, ALFORD W

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/796,378

Applicant(s)

BRILL ET AL.

Examiner

Alford W. Kindred

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/9/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/13/04</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

### DETAILED ACTION

1. This action is responsive to communication: Application, filed on 03/9/2004.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Kapur, US# 20050102259.

As per claim 1, Kapur teaches “a search component that identifies a result set for a user search query; and a user intent discovery component that determines a set of potential search areas based at least in part upon the result set of the user search query and results of previous queries” (see paragraphs [0043], [0059], and [0070]).

As per claim 2, Kapur teaches “wherein the previous queries are obtained via reviewing the result set of the user search query” (see paragraph [0008], [0045] and [0070]).

As per claim 3, Kapur teaches “wherein a level of relation between the previous queries and the user search query is obtained at least in part by determining distance metrics between the previous queries and the user search query” (see paragraph

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[0028], [0033], [0036], and [0045]).

As per claims 4 and 6, Kapur teaches "wherein the distance metrics are determined by utilizing the algorithm 7 ;  $q, q' r; = 1 - R[q] R[q'] R[q] R[q']$  ,where  $\text{parallel}.q,q'.\text{parallel.}$  is a distance metric between the user search query  $q$  and one or more previous queries  $q'$ , and  $R$  is a binary relation on  $Q.\text{times}.D$ , wherein  $Q$  is a set of queries previously employed by the search component and  $D$  is a set of objects within a data store that is searched over by the search component" (see paragraph [0031] and [0039], whereas Kapur's teachings of an algorithm reads on applicant's formula above).

As per claim 5, Kapur teaches "wherein the level of relation between the previous queries and the user search query is obtained at least in part by utilizing a modified maximal marginal relevance scheme" (see paragraph [0039], [0045], and [0070]).

As per claims 7-8, Kapur teaches "a filter component that limits a number of objects within the result set of the user search query" (see paragraph [0033]).

As per claims 9-10, Kapur teaches "a filter component that removes previous queries that include pre-defined strings from consideration" (see paragraph [0033] and [0039]).

As per claim 11, Kapur teaches "a filter component that removes previous queries that comprise characters that are not printable ASCII characters from consideration" (see paragraph [0034]).

As per claim 12, Kapur teaches "a feedback component that facilitates customization of the system according to user preference" (see paragraph [0036],

[0043], and [0045]).

As per claim 13, Kapur teaches “an artificial intelligence component that makes inferences with respect to at least one of selection and arrangement of the potential search areas according to one or more of user state, user history, user context, and contextual information” (see paragraph [0039] and [0045]).

As per claim 14, Kapur teaches “one or more of temperature, time of day, location, and day of a week” (see paragraph [0039] and [0043]).

As per claim 15, Kapur teaches “a user profile, the user profile comprising information relating to at least one of selection and arrangement of the potential search areas” (see paragraph [0063] and [0070]).

As per claim 16, Kapur teaches “the user profile being portable” (see paragraph [0017]).

As per claims 17-30, these claims are rejected on ground corresponding to the arguments given above for rejected claims 1-16 and is similarly rejected.

As per claim 31-36, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 17-25 and are similarly rejected.

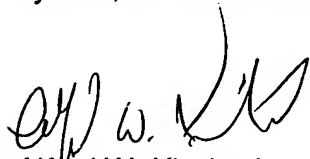
As per claims 37-39, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-3 and are similarly rejected.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alford W. Kindred  
Patent Examiner  
Tech Ctr. 2100